

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 95-5168

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

MARY KATHLEEN LOBBINS,

Defendant - Appellant.

Appeal from the United States District Court for the Southern District of West Virginia, at Parkersburg. Charles H. Haden II, Chief District Judge. (CR-94-105)

Submitted: December 12, 1995

Decided: May 10, 1996

Before WILKINSON, Chief Judge, HAMILTON, Circuit Judge, and PHILLIPS, Senior Circuit Judge.

Affirmed by unpublished per curiam opinion.

George J. Cosenza, COSENZA & UNDERWOOD, Parkersburg, West Virginia, for Appellant. Rebecca A. Betts, United States Attorney, Sharon M. Frazier, Assistant United States Attorney, Huntington, West Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit. See Local Rule 36(c).

PER CURIAM:

Mary Kathleen Lobbins appeals from a district court's judgment entered on a guilty plea, convicting and sentencing Lobbins for conspiracy to distribute and distribution of cocaine. We affirm.

Lobbins claims error only in her attorney's representation, which she claims was ineffectiveCviolating her Sixth Amendment right to the effective assistance of counsel. We have reviewed the record and find that it does not conclusively show incompetence in trial counsel's performance and prejudice therefrom to Lobbins. Therefore, we decline to address the substance of the claims on direct appeal; they should be brought in a 28 U.S.C. § 2255 (1988) motion. United States v. DeFusco, 949 F.2d 114, 120-21 (4th Cir. 1991), cert. denied, 503 U.S. 997 (1992); United States v. Fisher, 477 F.2d 300, 302 (4th Cir. 1973).

There being no other issues before the court, we affirm the district court's judgment. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

AFFIRMED